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June 24, 2003

The Honorable John Ashcroft  
Attorney General of the United States  
U.S. Department of Justice  
10<sup>th</sup> and Constitution Avenue, N.W.  
Washington, DC 20530

Dear Mr. Attorney General:

New information has come to my attention that presents a direct conflict of interest concerning the Justice Department and you, in particular, investigating the Westar campaign finance matter. On June 17, I wrote asking you to appoint a special counsel in this matter based on the facts that (1) your former staffer, Carl Koupal, is directly implicated by the Westar Board of Directors Report and (2) you received contributions from Westar. It now appears clear that you, in fact, personally attended the fundraiser for House Majority Leader Tom DeLay's political action committee where Westar was rewarded with access to lawmakers in exchange for its \$56,000 contribution and where *quid pro quos* were possibly discussed.

As you know, at the heart of the Westar matter is the allegation that lawmakers offered Westar favorable consideration of an amendment in exchange for campaign contributions. It has been alleged that Mr. DeLay was involved in such a *quid pro quo*. Integral to any investigation of this matter will be the question of whether legislative favors were offered in connection with campaign contributions and such an investigation would inevitably focus on conversations at fundraising events.

It has been reported that one month after Westar donated \$56,000 to the DeLay PAC, "company executives spent two days at the Homestead, a Virginia resort, with DeLay, Attorney General John Ashcroft," and other donors. *ENERGY POLICY: CONTROVERSY HEATS UP OVER WESTAR CONTRIBUTIONS*, Greenwire, June 23, 2003. That means that you may have overheard, taken part in, or otherwise been privy to, the very conversations that will be at the epicenter of this investigation. Thus, this presents a clear cut conflict of interest for you and the Department and requires that you appoint a special counsel.

The Honorable John Ashcroft

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As you know, under the Department's regulations, the Attorney General is required to appoint a special counsel when (1) a "criminal investigation of a person or matter is warranted," (2) the investigation "by a United States Attorney's Office or litigating Division of the Department of Justice would present a conflict of interest for the Department," and (3) "it would be in the public interest to appoint an outside Special Counsel to assume responsibility for the matter." I believe all of these factors are clearly present in this case.

I look forward to promptly hearing whether you will appoint a Special Counsel and, if not, the reason for your decision. Should you have any questions or concerns about this request, please feel free to contact me through the House Judiciary Committee Staff, 2142 Rayburn House Office Building, tel. 202-225-6504, fax 202-225-4423.

Sincerely,

A handwritten signature in black ink, appearing to read "John Conyers, Jr.", with a large, stylized flourish at the end.

John Conyers, Jr.  
Ranking Minority Member

cc: Honorable F. James Sensenbrenner, Jr.  
Chairman, Committee on the Judiciary

Honorable Will Moschella  
Assistant Attorney General  
Office of Legislative Affairs  
U.S. Department of Justice